

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt

IN RE:

Benjamin Navoa Balunsat
Arlene Pascasio Balunsat
DEBTOR(S)

Case No.: 09-26192
Chapter 13

Navy Federal Credit Union
MOVANT
vs.

Benjamin Navoa Balunsat
Arlene Pascasio Balunsat
RESPONDENT(S)

**MOTION SEEKING RELIEF FROM AUTOMATIC STAY AS TO THE
PROPERTY KNOWN AS 85-175 FARRINGTON HIGHWAY, UNIT A429,
WAIANAE, HI 96792**

Navy Federal Credit Union (hereinafter MOVANT), by its undersigned counsel, files this MOTION SEEKING RELIEF FROM AUTOMATIC STAY AS TO THE PROPERTY KNOWN AS 85-175 FARRINGTON HIGHWAY, UNIT A429, WAIANAE, HI 96792, pursuant to 11 U.S.C. SECS. 362 which is a core proceeding pursuant to 28 U.S.C. SEC. 157, and for reasons states as follows:

ONE

That the above-named DEBTOR(S) initiated proceedings in this Court seeking relief under Chapter 13 of 11 U.S.C. (herinafter "RESPONDENT(S)").

TWO

That MOVANT is the holder and/or servicer of a Note secured by a Deed of Trust, which encumbers the real property known as 85-175 Farrington Highway, Unit A429, Waianae, HI 96792 (the "property") (see attached Exhibit "A"), presently owned by one or more of the respondents, in the approximate principal amount of \$25,315.22, plus interest, late charges and other costs.

THREE

That the RESPONDENT(S) is/are in default in payment of the Deed of Trust Note to MOVANT; said default involving non-payment of FIVE (5) post-petition payment(s) for the period of September, 2012, through January, 2013, in the amount of \$4,360.30, plus late charges, plus any additional payments and late charges thereon that may fall due after the filing of this motion, plus attorney's fees and costs.

FOUR

That MOVANT believes and avers that its security interest concerning the property is not adequately protected.

COHN, GOLDBERG &
DEUTSCH, LLC

ATTORNEYS AT LAW
600 BALTIMORE AVENUE
SUITE 208
TOWSON, MD 21204

410-296-2550

File #: 441182

FIVE

That MOVANT has been and continues to be irreparably injured by the Stay of S. 362(a) of the Bankruptcy Code which prevents the MOVANT from enforcing its right under its Deed of Trust.

WHEREFORE, MOVANT, prays this Honorable Court grant the following relief:

A. That the Court enter an Order lifting the Stay of S. 362 to enable Navy Federal Credit Union, or its successors and assigns, to enforce its rights under its Deed of Trust, which would enable it to foreclose on the property.

B. That the Court grant such other and further relief as may be necessary.

/s/ Richard J. Rogers

Richard J. Rogers, Esquire
Cohn, Goldberg & Deutsch, LLC
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410-296-2550
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Email: bankruptcyecf@cgd-law.com
Federal Bar #: 01980 (MD)
Attorney for Movant

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* * * * * **CERTIFICATION OF SERVICE** * * * * *
ON

MOTION SEEKING RELIEF FROM AUTOMATIC STAY AS TO THE
PROPERTY KNOWN AS 85-175 FARRINGTON HIGHWAY, UNIT A429,
WAIANAE, HI 96792

I, the undersigned counsel of COHN, GOLDBERG & DEUTSCH, LLC, 600 BALTIMORE AVENUE, SUITE 208, TOWSON, MD 21204, certify that I am, and at all times hereinafter mentioned was, 18 years of age and that on January 4, 2013, I served a copy of the MOTION SEEKING RELIEF FROM AUTOMATIC STAY AS TO THE PROPERTY KNOWN AS 85-175 FARRINGTON HIGHWAY, UNIT A429, WAIANAE, HI 96792, by FIRST CLASS MAIL, and/or ELECTRONIC FILING NOTIFICATION, on the respondent(s) in this proceeding to:

Benjamin Navoa Balunsat
85-175 Farrington High, Unit A429
Waianae, HI 96792

Arlene Pascasio Balunsat
85-175 Farrington High, Unit A429
Waianae, HI 96792

Benjamin Navoa Balunsat
8711 Colonel Seward Drive
Fort Washington, MD 20744

Arlene Pascasio Balunsat
8711 Colonel Seward Drive
Fort Washington, MD 20744

COHN, GOLDBERG &
DEUTSCH, LLC

ATTORNEYS AT LAW
600 BALTIMORE AVENUE
SUITE 208
TOWSON, MD 21204

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and respondent(s)' counsel:
Charles L Wardell, Esquire
1425 K Street, NW, Suite 350
Washington, DC 20005

Timothy P Branigan, Trustee
P.O Box 1902
Laurel, Maryland 20725-1902

I certify under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2013

/s/ Richard J. Rogers

Richard J. Rogers, Esquire
Cohn, Goldberg & Deutsch, LLC
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Towson, MD 21204
410-296-2550
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